

BOMBAY ACT No. LXX OF 1953.¹

[THE BOMBAY SERVICE INAMS (USEFUL TO COMMUNITY) ABOLITION ACT, 1953.]

[22nd December 1953]

Amended by Bom. 58 of 1954.

An Act to abolish service inams useful to the community in certain parts of the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish service inams useful to the community in certain parts of the State of Bombay and to provide for other incidental and consequential matters hereinafter appearing ; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay Service Inams (Useful to Community) Abolition Act, 1953. Short title,
extent and
commence-
ment

(2) It extends to the territories formerly comprising of Khandesh, Deccan and Southern Maratha Country and subsequently forming part of the districts of East Khandesh, West Khandesh, Ahmednagar, Nasik, Poona, Satara, Sholapur, Bijapur, Belgaum, Kanara and Dharwar as they existed before the States' Merger (Governor's Provinces) Order, 1949.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2. (1) In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "appointed day" means the day on which this Act comes into force ;

(b) "Code" means the Bombay Land Revenue Code, 1879 ;

(c) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(d) "holder" means (except in the expression "inferior holder") a holder of a service inam and includes any person lawfully holding under or through him ;

(e) "service inam village" or "service inam land" means a village or a portion of a village or land, as the case may be, held in inam by a person for service useful to the community ;

(f) "service inam" means—

(i) a grant of a village, portion of a village, land or total or partial exemption from land revenue held for service useful to the community and entered in the alienation register kept under section 53 of the Code as "Class VI—village servants useful to village communities" ;

(ii) a grant of money or land revenue including anything payable as a cash allowance on the part of the State Government for service useful to the community ;

(g) "prescribed" means prescribed by rules made under this Act ;

(h) "Schedule" means a Schedule appended to this Act ;

(i) the words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

Bom.
V of
1879.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1953, Part V, pages 458-459.
MO. B Bk H 658—19

(2) If any question arises whether any grant is a service inam, the State Government shall, having regard to the relevant entries in the alienation records and after holding such inquiry as may be deemed fit, decide the question and such decision shall be final :

Provided that the State Government may authorise any officer to decide such question and subject to an appeal to the State Government his decision shall be final.

Abolition of service inams and rights in respect of such inams.

3. With effect from and on the appointed day, notwithstanding anything contained in any law, usage, settlement, grant, sanad or order—

(1) all service inams shall be deemed to have been abolished and all incidents appertaining thereto shall be deemed to have been extinguished ;

(2) all rights to hold office and any liability to render service appertaining to the said inams are hereby extinguished.

Liability of service inam villages and lands to land revenue and persons liable to pay the same.

4. (1) All service inam villages and service inam lands which have been adjudicated under rule 8 of Schedule B to the Bombay Rent-free Estates Act, 1852^{XI of 1852.} are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such villages and lands.

(2) In the case of service inam land to which sub-section (1) applies;

(a) where such land is in possession of the holder or in possession of a person (other than an inferior holder) holding from him, the holder and

(b) where such land is in possession of an inferior holder holding the same on payment of annual assessment only, such inferior holder, shall primarily be liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force.

Resumption of service inam land and its regrant to holder.

5. (1) All service inam lands which have not been adjudicated under rule 8 of Schedule B to the Bombay Rent-free Estates Act, 1852, are hereby resumed and shall be liable to the payment of land revenue under the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to the unalienated lands shall apply to such lands.

(2) A service inam land resumed under the provisions of [sub-section (1)] shall be regranted to the holder on payment of the occupancy price equal to six times the amount of the full assessment of such land within two years from the appointed day and the holder shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder :

Provided that if the holder fails to pay the occupancy price within the period of two years as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

¹ These words, brackets and figure were substituted for the words " this Act " by Bom. 58 of 1954, s. 2, Schedule.

Fixed fees—contd.

| Number. | | Proper fee. |
|---------------------|--|----------------------------------|
| XXI. of 1866. | 14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866. | Twelve rupees eight annas. |
| | 17. Plaint or memorandum of appeal in each of the following suits :— | |
| | { (i) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court. | { Twelve rupees eight annas. |
| | { (ii) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates ; and | { Eighteen rupees twelve annas.] |
| | { (iii) to obtain a declaratory decree or order, where no consequential relief is prayed ; | { Eighteen rupees twelve annas. |
| | { (iv) to set aside alienation ; | { Eighteen rupees twelve annas. |
| | { (v) to set aside a decree or award ; | { Eighteen rupees twelve annas. |
| | { (vi) to set aside an adoption ; and | { Thirty rupees. |
| | { (vii) any other suit where it is not possible to estimate at a money value the subject-matter in dispute, and which is not otherwise provided for by this Act. | { Thirty rupees. |
| | 18. Application— | |
| X of 1940. | { (a) under section 20 of the Arbitration Act, 1940 ; | { Twelve rupees eight annas. |
| | | |

¹ These clauses and the entries relating thereto were substituted for the original by Bom. 58 of 1954, s. 2, Schedule.

² This Clause was substituted for the original, *ibid.*

Fixed fees—concl'd.

| Number. | | Proper fee. |
|---|--|--|
| (b) for probate or letters of administration or for revocation thereof under the Indian Succession Act, 1925 ; | When the amount or value of the estate does not exceed two thousand rupees. | Two rupees eight annas. XXXIX of 1925. |
| | When it exceeds two thousand rupees, but does not exceed five thousand rupees. | Six rupees four annas. |
| (c) for a certificate under Part X of the Indian Succession Act, 1925, or Bombay Regulation VIII of 1827 ; | When it exceeds five thousand rupees ... | Twelve rupees eight annas. XXXIX of 1925. |
| (d) for opinion or advice or for discharge from a Trust, or for appointment of new Trustees under section 34, 72, 73 or 74 of the Indian Trust Act, 1882 ; | | Twelve rupees eight annas. II of 1882. |
| (e) for the winding up of a Company, under section 166 of the Indian Companies Act, 1913 ; | | Twelve rupees eight annas. VII of 1913. |
| (f) under rule 58 of Order XXI of the Code of Civil Procedure, 1908, regarding a claim to attached property | When the amount or value of the property exceeds five hundred rupees. | Twelve rupees eight annas. V of 1908. |
| 19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908. | | Twenty-five rupees. V of 1098. |
| 20. Every petition under the Indian Divorce Act, 1869, except petitions under section 44 of that Act and every memorandum of appeal under section 55 of that Act. | | Thirty-seven rupees eight annas. IV of 1869. |
| 21. Plaint or memorandum of appeal under the [Parsi Marriage and Divorce Act, 1936] or the Bombay Hindu Divorce Act, 1947. | | Thirty-seven rupees eight annas. III of 1936. Bom. XXII of 1947. |
| 22. Petitions under the Indian Christian Marriage Act, 1872, sections 45 and 48. | | Two rupees. XV of 1872. |

Repeal of
Bom. XV
of 1943.

13. The Bombay Increase of Court-fees Act, 1943, is hereby repealed.

Bom.
XV of
1943.

¹ These words and figures were substituted for the words and figures "Parsi Marriage and Divorce Act", 1865, by Bom. 58 of 1954, s. 2, Schedule.

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